

REMARKS

Applicant responds herein to the Office action dated June 29, 2007. Claims 1-33 were pending in the application. Claims 15-33 have been withdrawn. Claims 1-14 stand rejected. In this Response, claims 1-3, 5, 7, 9 and 10 are canceled, claims 4, 6, 8, and 11-14 are amended, and new claims 34 and 35 are added. As a result claims 4, 6, 8, 11-14 and 34-35 are pending for examination with claim 34 being an independent claim. No new matter has been added; new claims 34 and 35 contain material from canceled claims 1, 2, 3, 5, 7 and 9-10, restated for clarity and completeness in a single claim, and also are supported by the patent specification, including but not limited to page 6, ¶ 24, page 9, ¶ 34 to page 11, ¶ 39, pages 11-12, ¶ 43, Figures 6-8.

Silence with regard to any of the Examiner's rejections is not acquiescence to such rejections, but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim, but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim depends.

Requirement for Information

In the Office Action, the Examiner required that information be provided under 37 C.F.R. 1.105, and in particular required that seven (7) enumerated references, referred to in the patent application specification, be made available to the Examiner.

In response to the said Requirement, Applicant submits herewith an Information Disclosure Statement containing the said references. It is the intention of Applicant herein to respond completely and fully to the said Requirement through the said Information Disclosure Statement and accompanying references.

Rejections under Section 112

The Examiner rejected claims 1-14 under §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Insofar as claim 1 has been canceled, the Examiner's rejection of that claim under §112 is moot. Nevertheless, insofar as new claim 34 uses similar language, in the interests of clarity and expediency Applicant addresses certain language in new claim 34.

Claim 34 requires:

receiving, from a market participant, an offer to buy or sell a point-to-point transmission right on a network;

It is the transmission rights that are on a network in this claim, namely a power transmission grid; the offers to buy or sell may be received over a separate *computer* network, but that is not required by the claim. This language satisfies §112.

The Examiner rejected claim 4 as reciting "possible trades." The amendment to claim 4 has eliminated that language, rendering the objection moot.

The Examiner rejected claim 6 as stating "constraints on transmission is determined." Applicant has amended claim 6 to replace the cited "is" with "are." The Examiner's rejection of claim 6 under §112 is moot.

The Examiner rejected claim 8 as stating "representing the offers to buy and sell transmission rights made by each participant to other participants" on the ground that it was unclear whether the offers are being made to other participants or whether the offers are represented to other participants. Applicant has amended the claim to state "presenting to other participants the said received offer made by the said at least one market participant to buy and sell a new point-to-point transmission right." Respectfully, Applicant believes that this language clearly states that the offer is presented to other participants.

The Examiner rejected claim 13 as stating "limiting trades in transmission rights to at least one right, rather than providing a portfolio of rights." Claim 13 has been amended to provide

“limiting trades in transmission rights to a specified subset of rights.” Applicant respectfully suggests that that amendment moots the Examiner’s §112 rejection.

Insofar as claim 3, 7 and 10 have been canceled, the Examiner’s rejection of those claims under §112 are moot.

Rejections under Section 103

In the Office action, the Examiner rejected claims 1-14 under 35 U.S.C. §103(a) as being unpatentable over Tuck, U.S. Patent 6,115,698 in view of Disclosed Prior Art set forth in the patent specification.

Applicant has canceled independent claim 1, and dependent claims 2, 3, 5, 7, 9 and 10. As a result claim 34 is pending as an independent claim, and claims 4, 6, 8, 11-14 and 35 depend therefrom.

Respectfully, Applicant suggests claim 34 requires, for a “received offer, whose acceptance would violate a transmission constraint for at least one network component”:

calculating, for at least one violated transmission constraint for a network component, and for at least one other point-to-point transmission right which utilizes the said network component, a quantity exchange rate for the said network component between said received offer, and the said other right;

wherein the quantity exchange rate is calculated using a Power Transfer Distribution Function (PTDF) matrix, and is based upon a ratio of the PTDF matrix elements for the said received offer and the said other right for the said constrained network component;

Respectfully, Applicant suggests that Tuck does not disclose “calculating ... a quantity exchange rate for the said network component between said received offer, and the said other right; wherein the quantity exchange rate is calculated using a Power Transfer Distribution Function (PTDF) matrix, and is based upon a ratio of the PTDF matrix elements for the said received offer and the said other right for the said constrained network component.” In the excerpts from Tuck cited by the Examiner, Tuck discloses electrical energy trading, not trading transmission rights. Moreover, when Tuck discusses the problem of constraints (col. 2, lines 19-67, col. 4, line 60 to col. 5, line 22), it provides that if such constraints impact a potential trade they are enforced, leading to

the trade being rejected (col. 2, line 53-55) and it further states that upon a trade being made the available capacity on a line is reduced (col. 2, lines 53-55; col. 5, lines 11-15).

Tuck thus simply determines whether transmission capacity for the electricity bought or sold is available, and if not rejects the trade. Nothing in Tuck discloses transferring an existing transmission right from one market participant to another, in order to permit a trade that would otherwise be constrained to be performed. Tuck is simply a first-come, first-served system based on existing defined transmission rights.

This is because Tuck is about trading energy, and merely checks to see if transmission capacity for that energy is available, while the claims herein describe a method of trading transmission rights.

In addition, the references referred to by the Examiner as Disclosed Prior Art, also fail to disclose the said limitation.

Insofar as neither Tuck nor the Disclosed Prior Art discloses the said limitation, it follows that claim 34 is allowable.

Insofar as claims 4, 6, 8 and 11-14, as amended, and new claim 35, depend from claim 34, those claims also are allowable.

CONCLUSION

Applicant considers the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1118.

Respectfully submitted,

Dated: December 28, 2007

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